

Appl. No. 10/695,237
Amdt. dated Dec. 21, 2006
Reply to Office action of Oct. 3, 2006

REMARKS/ARGUMENTS

The Examiner has rejected original claims 14-17 under 35 U.S.C. 102 under May (4,715,602), Wolf (3,502,332), Myers (5,651,736) and Herbert (4,077,628), see pages 2 and 3 of the action. Claim 14 has been amended and claims 16, 17 and 18 have been cancelled as noted by the amendment set forth above. It is respectfully submitted that the Examiner's contention that the four cited references disclose the limitations of the track apparatus and that they comprise track segment connector and elongated member with parallel rails and co-planar track surfaces is inconsistent with the cited references and the limitations set forth in the claims, as now amended, in which additional limitations have been directed into independent claim 14 in which the track segments have now been more precisely defined as having "elongated engagement channels extending from said respective side rails" and the connector is defined as having "a pair of oppositely disposed elongated interengagement flanges, an upstanding transversely extending therebetween, said track abutment band having oppositely disposed upstanding side rails, a center upstanding band dividing therebetween for corresponding co-planar registration with said abutting track segments".

Careful review of the May reference 602 fails actually to show any connector configuration remotely resembling the structural limitations now set forth in the claims with the only interengagement between elements being between the monolithic flat track section in May and the ramp portions.

Examiner's reference to Wolf also after careful analysis fails to show any structural connector configuration between the track sections remotely resembling applicant's claimed design with the best comparable structure perhaps being a connector 6, see figure 1 of the drawings, which is referred to as a tie bar and perhaps the Examiner's misinterpretation of the elements 30 between track sections 14 which are in reality blocks of height sufficient to raise the wheels of the racers from the track so to slow the racers down.

The Examiner's citation of Myers 736 which is directed towards a racer toy utilizing water driven boats shows no similar configuration to applicant's claimed connector which has the unique properties of oppositely disposed elongated interengagement flanges and most importantly a center upstanding abutment band having oppositely disposed upstanding side rails and track surfaces which are in corresponding co-planar registration with the abutting track segments as now set forth in the amended claims and illustrated distinctly in figures 9, 10 and 13 of the drawings.

As noted above, the same comments can be made concerning the Examiner's citation of the reference Herbert 628 which shows a race track game having a planar downwardly sloped raceway with upstanding sidewalls and divided in different multiple lane configurations. Again, as noted, there is no indication, suggestion or illustration of a connector assembly between multiple track segments in which a portion of the connector becomes a portion of the track as applicant has now more precisely claimed.


The Examiner has rejected claims 1-12 and 20 under 35 U.S.C. 103 beginning on page 3, second paragraph, again citing Dennis and a new reference McKay 229 in view of Smith III 107 and further in view of Sheldon 908. It is respectfully submitted that claim 1 as now amended with the additional limitations of the elevation support post extending from the starting gate assembly, the starting gate having "vertically aligned colored sequential starting light assembly" and the limitation of the previously discussed track sections having "oppositely disposed parallel side rails with depending engagement channels" and "said connector fittings having upstanding abutment band defining interconnecting track path surfaces".

While the Examiner's comments concerning specific elements of claims 2 and 9 concerning the inclined track surface posts, claim 4 the lighting assembly with flange release arms, claim 5 to reference Dennis in

view of McKay of the starting gate, etc. all such features while found in some form in the multiple references cited by the Examiner do not include any relevant structure that would be anticipated or deemed obvious concerning the track section connectors as applicant has clearly claimed and introduced as a limitation in both of the remaining independent claims. It is this feature in combination with the defined structure of the car racing game device as disclosed which distinguishes over the prior art and therefore presents the claims as now extensively amended in condition for allowance and the same is respectfully requested.

Respectfully submitted,

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